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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

<u>IN THE MATTER OF</u>	:	ADMINISTRATIVE ACTION
	:	
MICHAEL PANITCH, D.M.D.	:	CONSENT ORDER
License No. 22DI02189600	:	
	:	
LICENSED TO PRACTICE DENTISTRY:	:	
<u>IN THE STATE OF NEW JERSEY</u>	:	

The New Jersey State Board of Dentistry ("Board") reviewed a complaint based upon a referral from the New Jersey Prescription Monitoring Program ("PMP") regarding the prescribing patterns of Michael Panitch, D.M.D ("respondent"). Specifically, a pharmacist had reported to the PMP that respondent appeared to be over-prescribing and ordering medications including Diazepam, Hydrocodone, Carisoprodol, Oxycodone, Alprazolam, and Hydromorphone Hydrochloride for at least one patient, A.W., which were outside the scope of respondent's practice.

On February 6, 2013, respondent appeared at an investigative inquiry with counsel, Marc S. Gottlieb, Esq. Based on the record before the Board, including respondent's testimony at the inquiry and A.W.'s patient record, it appears to the Board that respondent's treatment of A.W. deviated from generally accepted standards for dental practice in this State. Specifically, Respondent prescribed large quantities of CDS to A.W. for temporomandibular joint ("TMJ") pain without an adequate understanding of the cause of the pain or the efficacy of the drugs he was prescribing. Respondent did so continually over a two-and-a-half year period without recognizing that the medication failed to relieve A.W.'s condition, demonstrating a profound deficiency of knowledge in the diagnosis and treatment of TMJ pain and in pharmacological management.

A.W.'s patient record reflected numerous deficiencies with regard to diagnostic information and clinical examinations. Such deficiencies included, but were not limited to, the absence of a full series of diagnostic radiographs from A.W.'s initial examination and respondent's failure to indicate which muscle group he observed to be the trigger point in initially diagnosing A.W. with TMJ pain. In addition, although respondent testified before the Board that A.W. had reported intense bouts of pain not captured during office examinations, respondent neglected to notate this in the patient's chart. Respondent thus

failed to maintain an accurate and adequate patient record as required by N.J.A.C. 13:30-8.7.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d), (h) and (m) in that respondent engaged in repeated acts of negligence or incompetence, failed to comply with the Board's record keeping regulation and prescribed CDS indiscriminately or without good cause. It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS on this 8th day of October, 2013

HEREBY ORDERED AND AGREED THAT:

1. The license of Michael Panitch, D.M.D., to practice dentistry in the State of New Jersey shall be suspended for a period of three (3) years, of which the entirety shall be stayed and served as a period of probation.

2. Respondent shall relinquish his CDS privileges for a period of eighteen (18) months and forward his CDS registration to Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101.

3. Respondent shall cease and desist from treating any temporomandibular joint (TMJ) patients unless and until he completes ten (10) hours of continuing education pre-approved by

the Board in temporomandibular joint disorders. This coursework shall be in addition to the regularly required continuing education hours, and must be approved by the Board in writing prior to attendance. Respondent shall provide proof of successful completion of the coursework within thirty (30) days of completion.

4. Prior to any application for the reinstatement of his CDS registration, respondent shall:

a. Successfully complete ten (10) hours of continuing education in pharmacology, four (4) hours of continuing education in record keeping, and four (4) hours of continuing education in diagnosis and treatment planning. Respondent shall submit proof of successful completion of each required course to the Board. "Successful completion" means that respondent has attended all sessions of the course, fully participated, and received a final evaluation of an unconditional pass. Respondent shall be entirely responsible for any and all costs or expenses relating to the courses. The indicated course work shall be in addition to the regularly required continuing education hours, and must be approved by the Board in writing prior to attendance.

b. Successfully complete the ProBE (Professional Problem-Based Ethics) course offered by The Ethics Group,

89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIM-E (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, or other ethics course of similar content and length that is pre-approved by the Board. Documentation of successful completion of the course shall be provided to the Board. "Successful completion" means that respondent has attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional pass. Respondent shall be entirely responsible for any and all costs or expenses relating to the course.

5. Respondent is assessed a civil penalty, pursuant to N.J.S.A. 45:1-25, in the amount of \$7,500.00 for repeated acts of negligence or incompetence, failure to maintain adequate and accurate patient records and prescribing CDS indiscriminately or without cause. Payment of the civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 no later than 30 days from the entry of this Consent Order. Failure to remit any payment as required by

this Order will result in the filing of a certificate of debt and such other proceedings as permitted by law.

6. Failure to timely comply with any terms of this Consent Order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Sheila Dashkow
Sheila Dashkow, D.M.D.
Board President

I have read and understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.

M. Panitch
Michael Panitch, D.M.D.

Date: 9/27/13

I consent to the form and entry of this Order.

Marc B. Gottlieb
Marc B. Gottlieb, Esq.
Attorney for Michael Panitch, D.M.D.

Date: 10/2/13